

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



MODIFICATION TO MUNICIPAL SOLID WASTE PERMIT NO. 2158 CHARTER WASTE LANDFILL

Municipal Solid Waste Permit No. 2158 is hereby modified as follows:

Description of Change:

This permit modification authorizes revisions to the facility groundwater monitoring system and the groundwater sampling and analysis plan to comply with the requirements of Subchapter J of Chapter 330. The modification also authorizes an alternative groundwater monitoring well spacing of no greater than 691 feet along the south portion of the point of compliance with standard spacing of 600 feet along the east portion of the point of compliance.

The details of this permit modification are contained in the application dated March 24, 2008 and the revisions dated December 12, 2008, March 10, May 7, July 27, and August 28, 2009.

Part of Permit Modified:

Part III, Site Development Plan, Groundwater Sampling and Analysis Plan
Complete Replacement

This modification is a part of Permit No. 2158 and should be attached thereto.

APPROVED, ISSUED, AND EFFECTIVE in accordance with Title 30 Texas Administrative Code Chapter 305, Section 305.70(l) and Chapter 330, Section 330.403(a)(1).

ISSUED DATE:

NOV 24 2009


For the Commission

Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 1, 2009

Mr. Edward D. Rhodes
Area Environmental Manager – West Texas
Republic Waste Services of Texas, Ltd.
P. O. Box 69055
Odessa, Texas 79769

Re: Charter Waste Landfill - Ector County
Municipal Solid Waste - Permit No. 2158
Permit Modification – Subchapter J Update
Tracking Nos. 11995902, 12556870, 12644541, 12683477, 12772761, and 12826063
RN100542737 / CN600132534

Dear Mr. Rhodes:

We have reviewed your application for a municipal solid waste permit modification dated March 24, 2008, and the revisions dated December 12, 2008, March 10, May 7, July 27, and August 28, 2009 requesting authorization to update the facility groundwater monitoring system and sampling plan to comply with the requirements of Subchapter J of Chapter 330. The information presented is technically sufficient for a municipal solid waste permit modification.

Enclosed is a copy of the above referenced modification which is now part of your permit and should be attached thereto. The documentation prepared and submitted to support the modification request shall be considered as requirements of the permit.

If you have questions concerning this matter, please contact Mr. Eric Beller at (512) 239-1177. When addressing written correspondence, please use mail code MC 124.

This action is taken under authority delegated by the Executive Director of the Texas Commission on Environmental Quality.

Sincerely,



Richard C. Carmichael, Ph.D., P.E.
Manager, Municipal Solid Waste Permits Section
Waste Permits Division

RCC/ETB/fp

cc: Mr. David R. Friels, P.E., Shaw Environmental, Inc., Irving

Enclosure

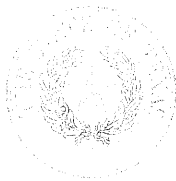
bcc: Mr. Michael Edmiston, TCEQ, Water/Waste Program Manager, Midland Regional Office, MC R7
Mr. Keiandre McGruder, TCEQ, Waste Permits Division, MC 126
Ms. Dawn Dollins, TCEQ, Municipal Solid Waste Section, MC 124

Admin note:

MR DAVID R FRIELS P E
SHAW ENVIRONMENTAL INC
6330 COMMERCE DR SUITE 190
IRVING TX 75063

MR ED RHODES
AREA ENGINEER
REPUBLIC WASTE SERVICES OF TEXAS LTD
PO BOX 69055
ODESSA TX 79769

Bryan W. Shaw, Ph.D., *Chairman*
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December 1, 2009

TO: Persons on the attached mailing list.

RE: Charter Waste Landfill – Ector County
Permit No. 2158

This letter is your notice that the Texas Commission on Environmental Quality (TCEQ) executive director (ED) has issued final approval of the above-named application. According to 30 Texas Administrative Code (TAC) Section 50.135 the approval became effective on November 24, 2009, the date the ED signed the permit or other approval unless otherwise specified in the permit or other approval.

You may file a **motion to overturn** with the chief clerk. A motion to overturn is a request for the commission to review the TCEQ ED's approval of the application. Any motion must explain why the commission should review the TCEQ executive director's action. According to 30 TAC Section 50.139 an action by the ED is not affected by a motion to overturn filed under this section unless expressly ordered by the commission.

A motion to overturn must be received by the chief clerk within 23 days after the date of this letter. An original and 7 copies of a motion must be filed with the chief clerk in person, or by mail to the chief clerk's address on the attached mailing list. On the same day the motion is transmitted to the chief clerk, please provide copies to the applicant, the ED's attorney, and the Public Interest Counsel at the addresses listed on the attached mailing list. If a motion to overturn is not acted on by the commission within 45 days after the date of this letter, then the motion shall be deemed overruled.

You may also request **judicial review** of the ED's approval. According to Texas Water Code Section 5.351 a person affected by the ED's approval must file a petition appealing the ED's approval in Travis County district court within 30 days after the effective date of the approval. Even if you request judicial review, you still must exhaust your administrative remedies, which includes filing a motion to overturn in accordance with the previous paragraphs.

Individual members of the public may seek further information by calling the TCEQ Office of Public Assistance, toll free, at 1-800-687-4040.

Sincerely,

A handwritten signature in black ink, reading "LaDonna Castañuela", is positioned above the printed name and title of the Chief Clerk.

LaDonna Castañuela
Chief Clerk

LDC/lg

MAILING LIST
For
Charter Waste Landfill
Permit No. 2158

FOR THE APPLICANT:

Edward D. Rhodes
Area Environmental Manager – West Texas
Republic Waste Services of Texas, Ltd.
P.O. Box 69055
Odessa, Texas 79769-0055

David R. Friels, P.E.
Shaw Environmental, Inc.
6330 Commerce Drive, Suite 190
Irving, Texas 75063

PROTESTANTS/INTERESTED PERSONS:

Mr. and Mrs. W. L. Watson
P.O. Box 265
Penwell, Texas 79776-0265

FOR THE EXECUTIVE DIRECTOR
via electronic mail:

Guy Henry, Senior Attorney
Texas Commission on Environmental Quality
Environmental Law Division MC 173
P.O. Box 13087
Austin, Texas 78711-3087

Eric Beller, Technical Staff
Texas Commission on Environmental Quality
Waste Permits Division MC 124
P.O. Box 13087
Austin, Texas 78711-3087

FOR OFFICE OF PUBLIC ASSISTANCE
via electronic mail:

Bridget Bohac, Director
Texas Commission on Environmental Quality
Office of Public Assistance MC 108
P.O. Box 13087
Austin, Texas 78711-3087

FOR PUBLIC INTEREST COUNSEL
via electronic mail:

Blas J. Coy, Jr., Attorney
Texas Commission on Environmental Quality
Public Interest Counsel MC 103
P.O. Box 13087
Austin, Texas 78711-3087

FOR THE CHIEF CLERK
via electronic mail:

LaDonna Castañuela
Texas Commission on Environmental Quality
Office of Chief Clerk MC 105
P.O. Box 13087
Austin, Texas 78711-3087